THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 162 OF 1999
AND
WRIT PETITION No. 21393 OF 2000

Date: 28.07.2006

W.P.No. 162 of 1999

Between:

Government of A.P., re. By its Spl.Chief Secretary to Govt. Environments, Forests, Science & Technology Dept., Secretariat, Hyderabad and another.

… Petitioners

and

Syed Aaslam Hussain and another.

… Respondents.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 162 OF 1999
AND
WRIT PETITION No. 21393 OF 2000

COMMON ORDER: (per Hon'ble Sri Justice B. Prakash Rao)

It is represented by the learned Government Pleader that the question involved is as to the entitlement of the higher pay scales, and in terms of Rule 22(b) of the fundamental Rules, the said question no longer *res integra* and the full Bench of this Court has already decided in **G. Padma Reddy Vs. Government of A.P., rep. by the Secretary to Govt., Home (Courts) Dept., Hyderabad**[1] to the effect that the said rule is not applicable to a person promoted from one post to another post carrying same time scale of pay. Such person is governed only by clause (2) of proviso to F.R.22 made applicable. In view of the same, the view taken by the Tribunal which is under challenge in these two writ petitions is to be set aside. The writ petition are accordingly allowed. However the orders passed in O.A. is set aside.

_____
B.PRAKASH RAO, J

Date: 28-07-2006

_____
RAMESH RANGANATHAN, J

MRKR

[1] 1993(1) ALT 511 (F.B.)